M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2322 Press ~~Mis.~~

314 315

Dated 18—12—~~19~~1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 18th December 1863.

No. 314. Read the following letter from A. CAMMIADE, Esq., to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 30th November 1863 :—

SIR,

1. I have the honor to acknowledge the receipt of the Order of Government No. 1,098 of 22nd June 1863, conveying instructions to the Board of Revenue regarding my application for 200 Acres of land on the Karara Sholay on the Shervaroy Hills.

2. I have since been in communication with the Collector of Salem to ascertain what portion of the forest had been recommended to be excluded from the grant by the Assistant Conservator of Forests, and have been favored with a copy of that gentleman's report, and finding the views therein contained so entirely in accordance with my own, as expressed in my first application of 29th August 1861, I cannot do better than place them in juxtaposition.

My Letter of 29th August 1861, to the Collector of Salem.	Assistant Conservator's Report.
"My object is not to destroy the forest "but to work it, I do not intend taking the "whole extent I have applied for in one "lot, but in separate belts on the slope of "the hills, leaving the trees growing "in the ravines and bordering the water "courses standing, as well as a good por- "tion of the forest on the saddle (spur) "of the hill untouched, securing thereby "a regular supply of rain and moisture for "the surrounding country."	"I would suggest the upper portions, the "spurs, be not sold for Coffee cultivation; the "upper portions cannot be of much value to a "planter being much too steep. A proviso in the "grant of the land that the trees on these spurs "must not be cut down, will probably suffice "to prevent the total eradication of the Sho- "lay."

3. Had my application been one of a recent date I should have no reason to be dissatisfied with the Order, but it is now upwards of two years since my first application was submitted, and I have been working and improving the land for the whole of that period, so that I have looked upon it as my property subject only to the payment of such dues as might hereafter be fixed by Government, and I submit that my confidence was not unreasonable, judging from the following remarks in the Salem Collector's letter of 15th March 1862 :—

"With reference to your application to Government, dated 15th of November 1861, "applying for 200 Acres of waste land on the Shervaroy Hills, and stating that you would abide "by the Rules about to be promulgated regarding the sale of waste lands, I have the honor to "inform you that the rules in question having come into force in this District under the Orders "of Government dated the 27th February 1862, No. 433, I have registered your application "under those Rules. I therefore request you will point out the boundaries of the land to "Mr. Boalth, Special Deputy Collector, who will make the necessary report required by the "Rules to enable me to give the prescribed notice of 30 days before putting the land in your "possession."

4. I would also submit that it will be very difficult if not impracticable for me to meet the wishes of Government by furnishing the Collector with a statement of "whatever sum Mr. Cammiade may have expended on it," as although an account of the money expenditure can be prepared, aid both in materials and labor has been given from my other Estate on the Shervaroys, the value of which it would be even difficult to estimate.

5. From the Order of Government taken in consideration with the letter from the Board of Revenue recorded thereon, it would appear that there are two objections to a compliance to my application being accorded, viz., the prior claim set forward on behalf of Mr. Fischer,

and that certain portions of the Sholay should be excluded from the grant of the land in question; the latter objection, I trust, I have explained to the satisfaction of Government in paragraph 2 of this letter, and as regards the former, I beg to enclose an original letter from Mr. Fischer (to be returned when done with) waiving all claim set forward on his behalf; and Government will also see, that that gentleman is prepared to rectify it in a more formal manner should such be considered necessary.

6. With these facts before Government I am led to hope that there will be no further difficulty in the matter, and that my case may be judged, if not in the letter, at least to come within the spirit of the liberal instructions from Sir Charles Wood in paragraph 76 of Despatch No. 14, dated 9th July 1862, and as it is understood similar cases to my own have been dealt with in Bengal as shown in the Administration Report for 1862-63, particularly as provision has specially been made for such cases in the Rules framed by the Local Government and recorded in Order No. 2,553 of 6th December 1862.

"Rule 21.—Nothing contained in these Rules shall be held to debar the Government from "granting unassessed waste lands on Puttah Cowle or otherwise at their discretion, as hereto-"fore."

No. 315.

ORDER THEREON, 18th December 1863, No. 2,322.

1. The *original* Waste Land Resolution of the Government of India was issued on the 17th October 1861.

2. On the 15th November 1861, Mr. Cammiade applied for 200 Acres on the Shervaroys.

3. On 27th February 1862 this application (with others of a similar nature) was sent to the Collector for registry and other preliminary formalities, but possession was not to be given in any case pending the final orders of the Supreme Government on certain points referred for their consideration.

4. In September 1862 Mr. Cammiade complained that the then Collector objected to make over the land, and stated that on the faith of the previous Collector's proceedings and communications to him he had already commenced operations. Mr. Cammiade's letter was referred* to the Board of Revenue for report, the Government remarking that he had evidently misunderstood the Order of 27th February 1862, as, so far from authorizing the Collector to give possession, it expressly prohibited him from doing so.

* 15th September 1862, No. 1,994.

5. The Collector reported† that Mr. Fischer had previously applied for the same land, but his application was rejected on the ground that its reservation was necessary for forest purposes; that he had informed Mr. Cammiade of this on the 11th July 1862; that Mr. Cammiade had never been put in possession of the land, and that he (the Collector) had called upon the Conservator of Forests to state whether the reservation of the land was still necessary.

† 28th October 1862, No. 228.

6. The Collector shortly afterwards reported that in the Assistant Conservator's opinion only certain portions of the land need be reserved, and that Mr. Fischer pressed his claim as preferable on the score of priority of application.

See Board's Proceedings, 13th June 1863, No. 3,501.

7. The Government thereupon directed‡ that after excluding the portions referred to by the Assistant Conservator the land should be put up to auction subject to the regulated assessment at the upset price of the cost of survey, *plus* whatever sum Mr. Cammiade had spent on it, the latter sum being remitted or repaid according as he might or might not be the purchaser.

‡ 22nd June 1863, No. 1,098.

8. In his present letter Mr. Cammiade solicits a re-consideration of these orders on the grounds (1) that he had good reason from the Collector's letter to him, extract of which he

Proceedings of the Madras Government, Revenue Department,
18th December 1863.

gives, to consider the land as his property subject to the payment of such dues as might hereafter be fixed, and (2) that Mr. Fischer who had made a prior application for the same land has expressed himself willing to withdraw his claim for the portion of the Karara Sholay referred to in Mr. Cammiade's original application.

9. Mr. Cammiade, it appears, has been working upon, and improving, the land during the last two years, but is unable to render an exact account of the expenditure which he has incurred.

10. Under all the circumstances of the case, the Government resolve, in modification of former orders, to permit so much of the land originally applied for as G. O. 22nd June last, No. 1,098, sanctioned for sale by auction to be made over to Mr. Cammiade, without being put up to auction, if he agrees to pay Rupees 5 per Acre for it. The land will of course be liable to the regulated annual assessment of 1 Rupee per Acre, payable from the date on which he took possession of it.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Board of Revenue.
To A. Cammiade, Esq.

Exd. S. T. Augustin.

of Coffee fishes and trade certain portions of the Islands
Chain be excepted from the Grant of the Land in Spec
the latter objection I have explained to the
Satisfaction of Government in para 2 of this letter an
as regards the former, I beg to enclose an original let
from Mr Fisher (to be returned when done with) wavin
all claim in forward on his behalf: and Governm
will also see that that Gentleman is prepared to
receive in in a more formal manner should such
consideration be given.

I will have these facts before Government I am
to hope that there will be no further difficulty in
the matter and that my Case may be judged, if an
in the latter, at least to come within the Spirit of the
Liberal instructions from Sir Charles Wood in para 7
of Despatch No 15. dated 9th July 1862. and as in
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with in Bengal as shewn in the Administration
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cially been made for such Cases in the Rules fr
by the Local Government and recorded in Order
of 6th December 1862"

"Rule 21. Nothing contained in these Rules shall
"be held to debar the Government from granting un=
"assigned waste lands on Sunnud, Lease or otherwise
"at their discretion, as heretofore."

I have the honor to be
Sir
Your most Obedt Servt

Revenue Despatches

Nov. Orders

1. The original Minute
Lands Resolution of the
Government of Madras
Council on the 11th Oct 1862

On the 15th November
1861 Mr Commander applies
for 200 Acres on the Nevaroy
On 24th February 1862
this application (with Map)
of a similar nature) was
sent to the Collector for
guidy and other pretensions
formalities, had possession
was made to be given in April
vide sending the final order
2. The Supreme Govt on certain
points referred for Orders

Revenue 1862 Despl.
Rs. of Govt for Decr

No 2905

Name of Mr A. Commander

Dated Fort St George 1st December 1862

Received

S. No 2322 18 Dec

Submitting his explanations on the various objections raised by Board of Revenue to his application for 200 acres of land on the Nevaroy Hills

Collr of Salem

for

Report

27 Feby 62 No 543
22 June " " 346-347
15 Nov " " 179-180
15 Sept " " 280-281
24 " " " 462-463
6 Dec " " 93-94

No 314.

Dec 1038"

5.

On the 15th September 1862 Wm Cammiade complained that Mr Allen Collector objected to make over the land and stated that on the faith of the previous Collector's proceedings and Communications to him he had already commenced operations. Wm Cammiade's letter was referred to the Board of Revenue for report, the Government remarking that he had evidently misunderstood the order of 27th February 1862, as, so far from authorising the Coll. to give possession, it expressly prohibited him from doing so.

6. The Collector reported that Wm Fischer had previously applied for the same land, but his application was rejected

* 28 Oct. 1862 No. 1694

* Board's Proc: 12 June 1863 No. 3501.

rejected on the ground that its reservation was necessary for forest purposes that he had informed Wm Cammiade of this on the 11th July 1862 that Wm Cammiade had never been put in possession of the land and that he (the Collector) had called upon the Conservator of Forests to state whether the reservation of the land was still necessary.

6. The Collector shortly afterwards reported that in the Assistant Conservator's opinion only certain portions of the land need be reserved, and that Wm Fischer preferred his claim as preferable on the score of priority of application.

The

The Government thereupon directed that after excluding the portions referred to by the Assistant Conservator the land should be put up to auction subject to the regulated assessment at the upset price of the cost of Survey plus whatever sum Mr. Cammiade had spent on it the latter sum being remitted or refunded as paid according as he might or might not be the purchaser. Mr. Cammiade now remonstrates against this decision and submits a note from Mr. Fischer withdrawing his claim to the land applied for by Mr. Cammiade.

I do not see much in Mr. Cammiade's argument that Government have not already had before them except the extract from a letter from Mr. Brett which may by an imaginative person be considered a pledge.

The real truth of the matter is that Mr. Cammiade made sure of getting the land and set to work in anticipation of its regular transfer. There is no doubt that he is a bonâ fide planting and Govt can under the rules grant the land without auction as was lately done in Major Hunter's case which was not however exactly analogous as Major Hunter got the land from the Collector but under superseded rules.

Under the circumstances I would let Mr. C. have the land. It is subject to an annual assessment & therefore the same check as that a preliminary section is not to be instituted as elsewhere. I see the argument for old applications only.

Ellis
J.P.

Arden Wheeler
Sub

Revenue Department

No. 2322.

Proceedings of the Madras Government
Under date the 18th December 1863.

Read the following letter
from Mr. A. Cammiade.

Submits his explanation on the two objections raised by Govt. to comply with his application for 200 acres of land on the Shervaroy Hills.

(Here enter 30th November 1863)

1 The original waste Land Resolution of the Government of India was issued on the 17th October 1861.

2 On the 15th November 1861 Mr. Cammiade applied for 200 acres on the Shervaroys.

3 On 27th February 1862 this application (with others of a similar nature) was sent to the Collector for registry and other preliminary formalities

formalities, but possession was not to be given in any case pending the final orders of the Supreme Govt. on certain points referred for their consideration.

In September 1862 Mr. Cammiade complained that the then Collector objected to make over the land and stated that on the faith of the previous Collector's proceedings and communications to him he had already commenced operations. Mr. Cammiade's letter was referred to the Board of Revenue for report, the Government remarking that he had evidently misunderstood the order of 27th February 1862, as so far from authorising the Collector to give possession, it expressly prohibited him from doing so.

* 15th Sept. 62 Nº. 1994.

* 28th October 1862. Nº. 228.

The Collector reported that Mr. Fischer had previously applied for the same land, but his application was rejected on the ground that its reservation was necessary for forest improvements. That he had informed Mr. Cammiade of this on the 1st July 1862. That Mr. Cammiade had never been put in possession of the land. And that he (the Collector) had called upon the Conservator of Forests to state whether the reservation of the land was still necessary.

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See Boards' Proceedings 13th June 63 Nº. 3501.

claim as preferable on the score of priority of applicat

7 The Government thereupon directed that after excluding the portions referred to by the Assistant Conservator the land should be put up to auction subject to the regulated assessment at the upset price of the cost of survey plus whatever sum Mr. Cammiade had spent on it the latter sum being remitted or repaid according as he might or might not be the purchaser.

× 22nd June 1863 No. 1098.

8 In his present letter Mr. Cammiade solicits reconsideration of these orders on the grounds (1) that he had good reason from the Collector's letter to him, extract of which he gives, to consider the land as his property subject to

Payment of such
might hereafter be fixed
that Mr. Fischer who ha
rede a prior application
the same land has expresse
himself willing to withdra
his claim for the portion of
Carara Kholay referred to in
Mr. Cammiade's original a
plication.

Mr. Cammiade, it
appears, has been working
pon, and improving, the la
during the last two years b
enable to render an exac
account of the expenditure
which he has incurred.

Under all the circumstan
of the case, the application be
of an old date and Mr. Cammia
having had some reason
believ

~~believe that the land~~

~~been promised to him~~, the G-

vernment resolve, in modifica-

tion of former orders, to dis-

that such portion of the land

originally applied for as G-

2nd June last Rs. 1,098 sanc-

tioned for sale by auction Le

made over to Mr. Cammiade,

without ~~subject to the original~~

assessment of 1 Rupee per ac-

payable from date ~~of the~~ the

on which he took pos-

session of the land.

Referred in answer
15/12/63.

being put up & auction
if he agrees to pay
Rs 5 per acre for
the land, in addition
to the regulated annual

For Consideration

Should not Mr
Ci be required to
pay the average value
of the land also?
All he can complain
of is the risk at-
tending the auction
Ld S.

11 Copies to Thos Pg Revd Resp 19 Dec
A. Cammiade Esqre
with an Enclo

Revenue 1863 Deptt.
Pro: of Govt. for Decr.

No. 2322.

Pro: of the Madras Govt.
Dd 18th Decr. 163.

Rec: of P. of Rev. 9th Febr 1864
No. 387.

Mr. & Cummiades'
application for land on
the Shevaroy Hills,
disposed of.

No. 314 & 315.